
Appeal Decision

Site visit made on 28 February 2017

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 March 2017

Appeal Ref: APP/E2734/D/17/3166913
13 Kings Mead, Ripon HG4 1EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Holloway against the decision of Harrogate Borough Council.
 - The application Ref 6.31.455.D.FUL, dated 5 August 2016, was refused by notice dated 2 December 2016.
 - The development proposed is described as 'proposed new two storey side extension to replace existing double garage and new single storey rear extension'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed extension on the living conditions of the occupiers of 15 Kings Mead, with particular reference to any overbearing effects.

Reasons

Character and appearance

3. The appeal proposal relates to 13 Kings Mead, a detached two storey dwelling which I saw at my site visit has a projecting two storey gable to the front and an attached garage to the side. I observed that whilst there are both single and two storey dwellings on the estate, there is uniformity evident in broad design and materials. I have had regard to the appellant's comments about the Kings Mead estate and consider that whilst it may not be subject to any designation, it has its own local distinctiveness to which I have had regard.
 4. The appeal scheme would involve the demolition of the existing garage and the addition of a two storey side extension which would appear joined to the front of the dwelling by a glazed link and the addition of a single storey extension across the rear of the existing dwelling. The proposed extensions would have a contemporary appearance, using a combination of brick, timber and zinc sheet cladding with significant areas of glazing.
 5. The two storey extension would be seen as a significant addition to the dwelling with the top of its roof appreciably higher than the existing front eaves. The
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scale of the extension would be emphasised by the length of the mono-pitched roof and the area of zinc cladding between the ground and first floors. Although the side extension would be separated from the existing dwelling by the glazed link, it would appear as a disproportionate addition to the host dwelling. Whilst visible only from private views, the alterations to the rear of the dwelling would be extensive in scale and would dominate the existing dwelling.

6. I have had regard to the appellant's comments concerning the size of the side extension and the overall width of the resulting dwelling in relation to others on the estate and in respect of there being no guidance about what should be considered to be acceptable in terms of scale. Whilst the extended dwelling may be smaller in width than its neighbours, I nevertheless find the proposed side extension would appear out of scale with the host dwelling. I also note that the mono-pitch roof design has been adapted to reduce visual impact and overshadowing and have considered that the proposals have evolved out of a specific set of circumstances, such as the positioning of existing windows and that they have been revised.
7. The development plan for the area predates the National Planning Policy Framework (the Framework). In paragraph 215 the Framework indicates that due weight should be given to the relevant policies in existing plans according to their degree of consistency with the Framework. The Council in its reason for refusal 1, state that the proposal is contrary to Policy SG4 of the Harrogate District Local Development Framework Core Strategy 2009 (Core Strategy). Core Strategy Policy SG4 sets out criteria which all development proposals should comply with, which include development proposals being well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area and appropriate to the form and character of the settlement. Whilst Policy SG4 in this regard broadly conforms with the relevant parts of the Framework, it is silent regarding innovation in design, and so should not be considered up to date with the Framework policies as set out in paragraphs 58, 60 and 63.
8. The saved Policies of the Harrogate District Local Plan 2001 (Local Plan) cited by the Council, Policies H15 and HD20 also predate the Framework and are also silent regarding innovation in design. Consequently, these policies should also not be regarded as being up to date in this particular regard.
9. In this case, I find that the appeal proposal would give rise to harm to the character and appearance of the area and does not conform with Core Strategy Policy SG4. In addition, I find that the proposal conflicts with saved Local Plan Policy H15 which is concerned with extensions to dwellings and amongst other things includes that there is no detriment to the character or appearance of the dwelling or surrounding area and saved Local Plan Policy HD20 which sets design principles. The appeal proposal also proposal conflicts with the Council's House Extensions and Garages Design Guide Supplementary Planning Document 2005 (SPD), which predates the Framework but includes that the Council welcomes contemporary design which reflects local character.
10. Paragraph 63 of the Framework states that in determining applications, great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally in the area. However, whilst the appeal scheme would be of a contemporary design, given the harm found, I do not

consider that it would help to raise the standard of design more generally in the area.

Living conditions

11. I saw at my site visit that the back garden of the appeal property slopes generally down away from the house and that it is on a higher level to the neighbouring 15 Kings Mead. I also observed that the host dwelling has a conservatory to the rear close to the common boundary with No 15.
12. The appeal scheme includes a single storey rear projection which would extend out the same distance as the existing conservatory. The rear projection would project beyond the flank wall of the dwelling, closer to the common boundary than the existing conservatory and would presenting a zinc clad flank wall of solid appearance with no openings towards No 15. I have had regard to the differences in levels between Nos 13 and 15, but do not find that the rear projection would give rise to significant overbearing effects for the occupiers of No 15 in regards to their outdoor amenity space, given its height and depth.
13. To conclude on this matter, I do not find that the appeal proposal would have unacceptable effects on the living conditions of the occupiers of 15 Kings Mead. The appeal scheme does not therefore conflict in respect of living conditions with saved Local Plan Policy H15 in part, which includes that there is no adverse effect on neighbouring residential amenity or property and saved Local Plan Policy HD20 in part, which sets out design principles. The appeal scheme also does not conflict with Core Strategy Policy SG4 in part in this regard. Whilst the appeal scheme does not meet the requirements of the SPD, I nevertheless do not find it unacceptable in respect of living conditions.

Other matters

14. I have had regard to the comments regarding permitted development rights in respect of the rear extension, but have not been provided with details of any specific fallback scheme.

Balance and conclusions

15. I find that the appeal proposal conflicts with Core Strategy Policy SG4 and saved Local Plan Policies H15 and HD20. Whilst the policies do not conform with the Framework policies regarding innovation in design, I nevertheless give them significant weight given their otherwise broad conformity with the design policies of the Framework.
16. Paragraph 14 of the Framework indicates that where relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. I find that the appeal scheme would result in significant harm to the character and appearance of the area which would significantly and demonstrably outweigh the benefits. The environmental dimension of sustainable development as set out in paragraph 7 of the Framework would not be met and as it is indicated in paragraph 8 of the Framework, the roles should not be taken in isolation. Consequently the appeal scheme does not constitute sustainable development for which there is a presumption.

17. For the above reasons and having considered all matters raised, I conclude the appeal should be dismissed.

Philip Lewis

INSPECTOR